



# Assisting Self- Represented Litigants in Pacific Island Courts

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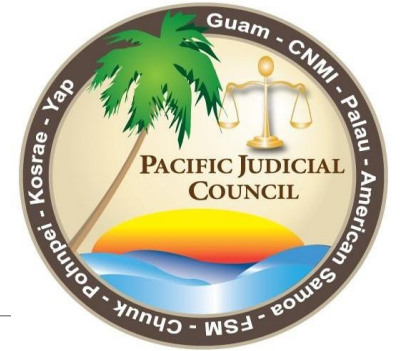
PRINCIPLES AND CURRENT BEST PRACTICES

# Assisting Self-Represented Litigants

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Part I – What assistance can we give?

Part II – Best Practices



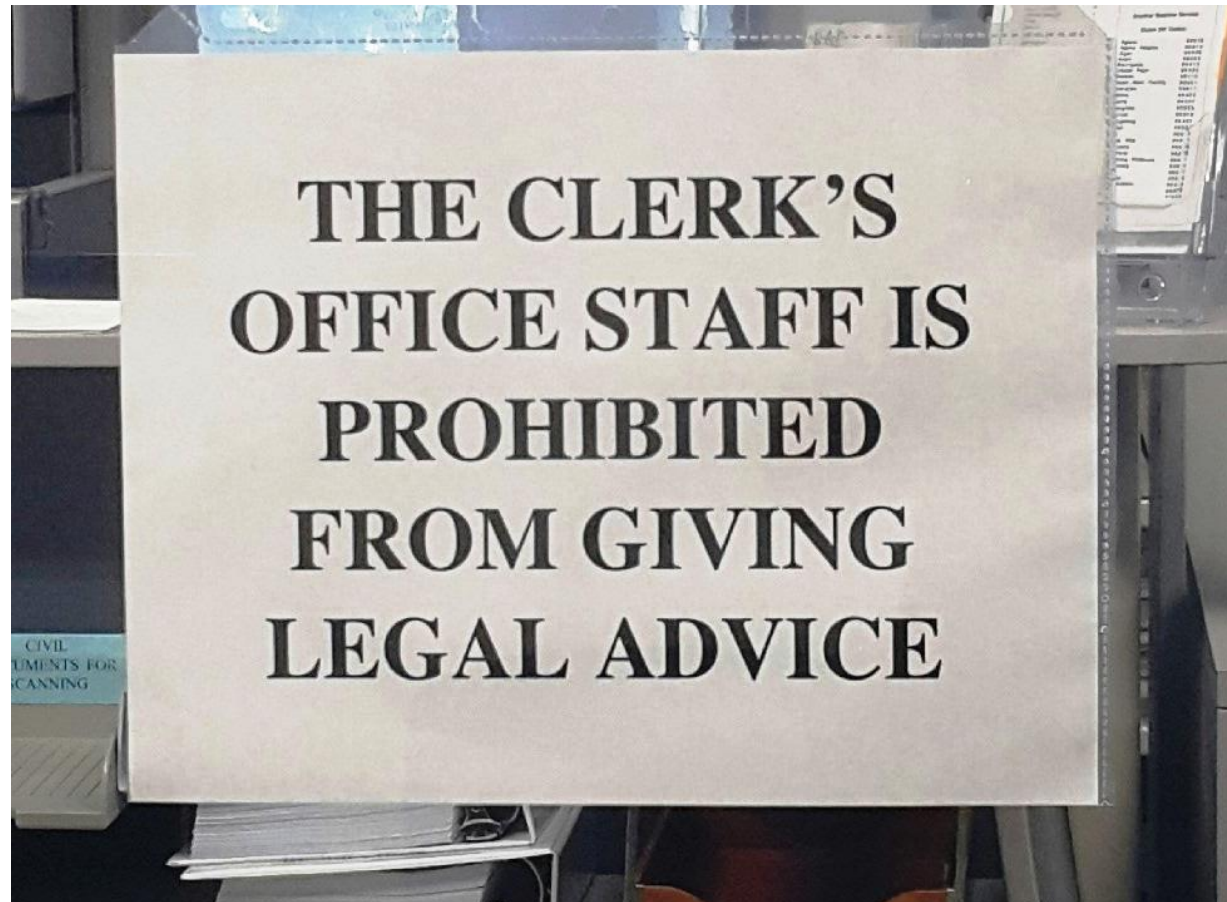


What is the scope of the problem?

Large Group Discussion

# What Assistance Can We Offer?

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# Constrained by rules and statutes...

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- 3 A.S.C.A. 3.1009
- 4 P.N.C. §306
- 4 F.S.M.C. §123
- GR 8.1, Superior Court of Guam, GRAP 31(a)(1)
- 28 U.S.C. §955



# Constrained by rules and statutes...

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3 A.S.C.A. 3.1009

## [Prohibition against practice of law.](#)

No justice, judge or employee of the High Court of American Samoa, the district court or the village courts may practice law during his time of office or employment. This prohibition applies to temporary as well as full time judges and justices. A judge pro tempore may practice law when not sitting as assigned by the Chief Justice.

# Constrained by rules and statutes...

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## 4 FSM Code §123

§ 123. Practice of law prohibited. No Justice, Clerk, officer, or employee of the Supreme Court shall practice law in the Federated States of Micronesia.





# Constrained by rules and statutes...

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## 4 PNC §306 Practice of law prohibited; exception.

No justice, judge or employee of the courts may practice law in the Republic; provided, that part-time Associate Judges of the Land Court may practice law in the Republic to the extent that such practice is not prohibited by law, rules promulgated by the Supreme Court or ethical obligations imposed on attorneys and trial counselors.





# Constrained by rules and statutes...

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## GR 8.1. Correspondence and Communications with the Court.

(a) No one shall directly or indirectly communicate with a judge or judicial officer, the Judge's chamber personnel (including law clerk), the clerk of court, or the clerk's deputies and assistants about any matter pending with the court except:

- (1) In open court; or
- (2) With the consent of all other counsel in such matter; or...

# Constrained by rules and statutes...

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## 28 U.S. Code § 955 - Practice of law restricted

The clerk of each court and his deputies and assistants shall not practice law in any court of the United States.



# Information vs. Advice

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- Legal information
  - Facts about the law and the legal process
- Legal advice
  - Advice about the course of action a client should take to further his or her own best interests



# Time for a Quiz!

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# Some Guidance

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Five General Principles

Six Guidelines

Five No-Nos



From the work of John M. Greacen, Greacen Associates, LLC



# Five General Principles

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1. Obligation to Explain Processes and Procedures.
2. Obligation to Inform Litigants of How to File.
3. No Legal Advice.
4. Impartial Service.
5. No Ex Parte Communication.



# Six Guidelines

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1. Provide Information from the record
2. Answer questions concerning court rules and procedures
3. Provide examples of forms or pleadings
4. Answer questions about the completion of forms.
5. Explain the meaning of terms and documents
6. Answer questions concerning deadlines or due dates.





# Five No-Nos

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1. Giving information when you are unsure of the correct answer
2. Answering “Whether” or “Should” questions
3. Taking sides in a case or proceeding
4. Providing information to one party that you would be unwilling or unable to provide to all other parties
5. Disclosing the outcome of a matter submitted to a judge for decision before the outcome is part of the public record



# Applying the Principles

Sharing our quiz answers



# Applying the Principles

## Small Breakout Groups



# What Assistance Do We Currently Offer?

Large Group Discussion



# Ten Best Practices

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# Best Practices

Best Practices

# 1) Use of plain language forms

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## 2) Information and form packets



Services & Forms

Forms

★ Forms

Attorney Forms

Bankruptcy Forms

Superseded Bankruptcy Forms

Civil Forms

Criminal Forms

Court Reporter Forms

CJA Forms

Human Resources Forms

Jury Forms

Other Forms

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Search by form number, name or keyword

Select a form category

-Pro Se Forms

APPLY

RESET

| Form Number | Form Name   | Category     |
|-------------|---|--------------|
| Pro Se 1    | Complaint for a Civil Case  | Pro Se Forms |
| Pro Se 2    | Complaint and Request for Injunction  | Pro Se Forms |
| Pro Se 3    | Defendant's Answer to the Complaint   | Pro Se Forms |
| Pro Se 4    | Complaint for a Civil Case Alleging Breach of Contract                                    | Pro Se Forms |
| Pro Se 5    | Complaint for a Civil Case Alleging Negligence  | Pro Se Forms |
| Pro Se 6    | Complaint for a Civil Case Alleging that the Defendant Owes the Plaintiff a Sum of Money  | Pro Se Forms |
| Pro Se 7    | Complaint for Employment Discrimination   | Pro Se Forms |
| Pro Se 8    | Complaint for Violations of Fair Labor Standards  | Pro Se Forms |
| Pro Se 9    | Complaint for Specific Performance or Damages Based on a Contract to Convey Real Property | Pro Se Forms |
| Pro Se 10   | Complaint for the Conversion of Property  | Pro Se Forms |
| Pro Se 11   | Third Party Complaint   | Pro Se Forms |



### 3) Court help websites

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## 4) Public terminals for case research

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# 5) Pro Bono and Limited Scope Representation

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## 5) Limited Scope Representation

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- Limited Scope Representation requires rule changes
- ABA Model Rule 1.2(c) : A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.



## 5) Limited Scope Representation

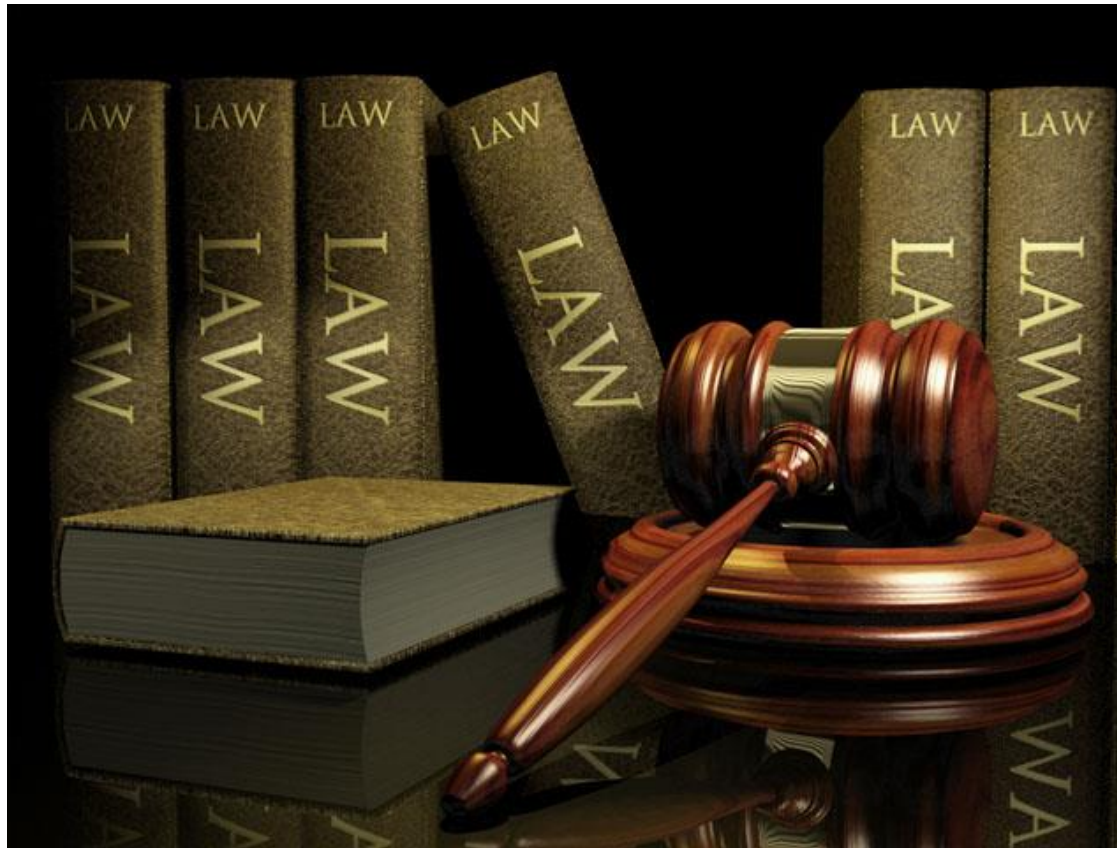
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- ABA Model Rule Rule 6.5
- Nonprofit And Court-Annexed Limited Legal Services Programs (a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter...



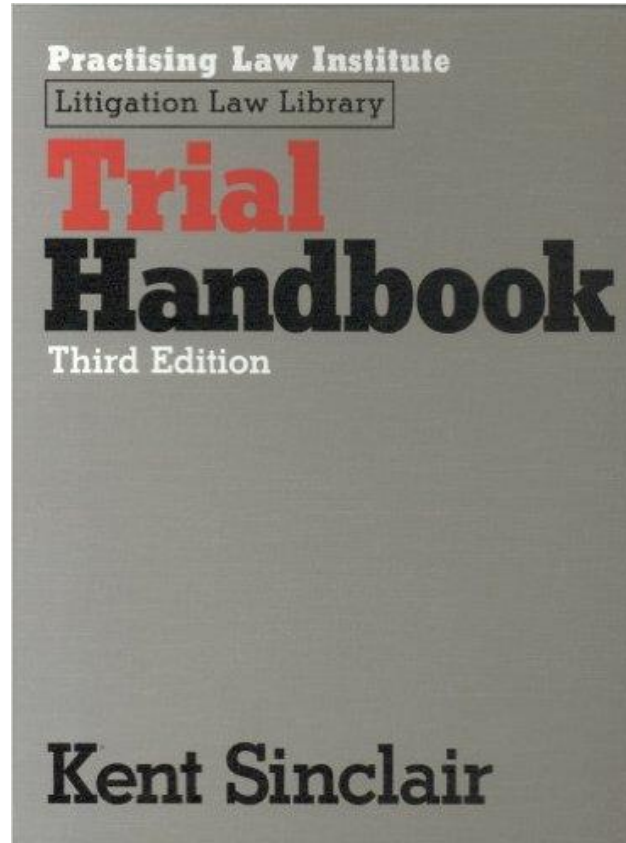
## 6) Pro Se Law Clerks

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## 7) Trial Handbook – but for SRLs

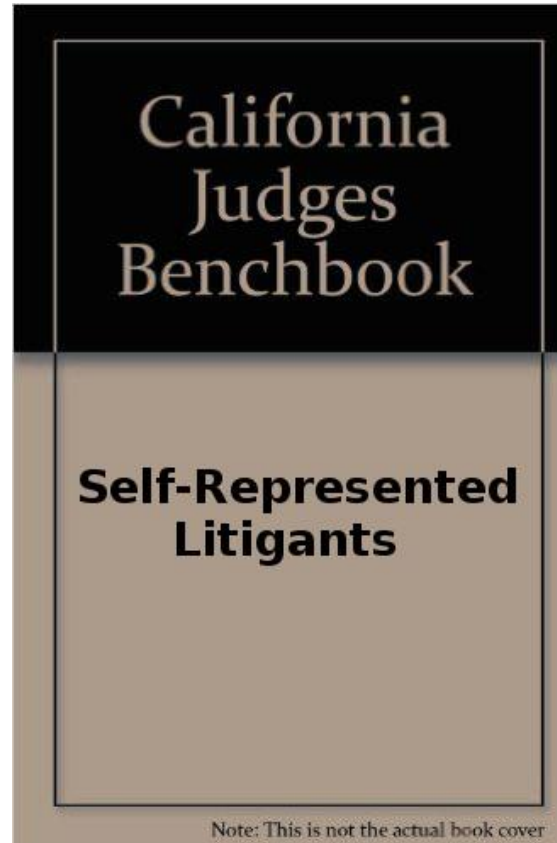
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## 8) Special Bench Guides for Judges

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## 9) Non-Lawyer Assistance Roles

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# 10) Court Tours





# Planning Feasible Initiatives

## Small Breakout Groups



## Planning Feasible Initiatives

- Decide upon one or two initiatives to assist self-represented litigants in your court
- Complete this worksheet for each initiative

|                           |
|---------------------------|
| Title of Initiative       |
| Desired Goal              |
| Description of Initiative |

Planning Feasible Initiatives  
Small Breakout Groups



## Presentation of Initiatives

Each breakout group presents initiatives to large group